APPENDIX "A"

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Tuesday the 10th day of October, 1967.

The petition of Lee Art Theatre, Inc., for a writ of error and supersedeas to a judgment rendered by the Hustings Court of the City of Richmond on the 18th day of November, 1966, in a prosecution by the Commonwealth against the said petitioner for a misdemeanor (Information No. 1), having been maturely considered and a transcript of the record of the judgment aforesaid seen and inspected, the court being of opinion that the said judgment is plainly right, doth reject said petition and refuse said writ of error and supersedeas, the effect of which is to affirm the judgment of the said hustings court.

A Copy,

Teste:

H. J. TURNER
Clerk

APPENDIX "B"

VIRGINIA:

In the Supreme Court of Appeals held at the Supreme Court of Appeals Building in the City of Richmond on Tuesday the 10th day of October, 1967.

The petition of Lee Art Theatre, Inc., for a writ of error and supersedeas to a judgment rendered by the Hustings Court of the City of Richmond on the 18th day of November, 1966, in a prosecution by the Commonwealth against the said petitioner for a misdemeanor (Information No. 2), having been maturely considered and a transcript of the

record of the judgment aforesaid seen and inspected, the court being of opinion that the said judgment is plainly right, doth reject said petition and refuse said writ of error and supersedeas, the effect of which is to affirm the judgment of the said hustings court.

A Copy,

Teste:

H. J. TURNER
Clerk

APPENDIX "C"

DEFENDANTS' EXHIBIT #3

AFFIDAVIT FOR SEARCH WARRANT

Commonwealth of Virginia,
City of Richmond, to-wit:

Before me, ..., ..., a Justice of the Peace of the City aforesaid, this day appeared Charlie E. Phillips and made affidavit as follows:

(1) Substantially the offense in relation to which search is to be made. Possessing, exhibiting and showing lewd and obscene motion pictures, To-wit: "The Erotic Touch of Hot Skin" and previews of "Rent-A-Girl" motion picture.

(2) The material facts constituting probable cause for issuance of the warrant. Personal observation of the above mentioned motion picture and previews. Observation of the billboard inf ront of theatre.

(3) What is to be searched for under the warrant. Lewd and obscene motion pictures and other pornographic material that is kept in said theatre.

(4) The building to be searched. THE LEE ART THEATRE, 934 West Grace Street, Richmond, Virginia.

CHARLIE E. PHILLIPS
Affiant

Subscribed and sworn to before me this 21st day of March 1966.

M. C. LOWRY, III
Justice of the Peace

APPENDIX "D"

SEARCH WARRANT

DEFENDANTS' EXHIBIT #1

Commonwealth of Virginia
City of Richmond

TO ANY POLICE OFFICER:

WHEREAS an affidavit has been filed with me pursuant to law and complaint made before me by Charlie E. Phillips that Lewd and Obscene Motion Picture and other Pornographic Material is being Possessed, Shown and Exhibited in the Lee Theater, 934 W. Grace Street, Richmond, Virginia, and it appearing that there is reasonable and probable cause for such belief:

These are therefore to authorize and require you, in the name of the Commonwealth of Virginia, to enter in the day or night time the premises described as follows: The Lee Theater, 934 W. Grace Street, Richmond, Virginia and there diligently search for the said goods and bring the same and the person or persons in whose possession the same are found, before Hustings Court of the said City to be disposed of or dealt with according to law.

And you are hereby further required to make your return of this warrant to Hustings Court of said City, showing all things done thereunder, with a particular statement of the things seized and the name of the person in whose possession they were found, if any, and if no person be found in possession of said article, your return shall so state, and you shall post a copy of this warrant on the door of the building or other place where said Lewd and Obscene Motion Picture and Other Pornographic Material are found, and if there be no such door, then in any conspicuous place upon the premises.

Given under my hand and seal, this 21st day of March 1966.

M. C. Lowry, III
Justice of the Peace